

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	: 13 Cr. 345 (LGS)
	:
– <i>against</i> –	: DECLARATION IN SUPPORT OF
	: PRE-TRIAL MOTION CHALLENGING
	: SUFFICIENCY OF THE SUPERSEDING
	: INDICTMENT, PURSUANT TO
	: <u>RULE 12(b), FED.R.CRIM.P.</u>
ANTIONE CHAMBERS,	:
	:
Defendant.	:
	:
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Joshua L. Dratel, Esq., pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am an attorney, and I represent defendant Antione Chambers in the above-captioned case by CJA appointment. I make this Declaration in support of Mr. Chambers’s pretrial motions, made pursuant to Rule 12(b), Fed.R.Crim.P., to dismiss Count Three of the Superseding Indictment because, as detailed in the accompanying Memorandum of Law, (a) it fails to allege facts sufficient to support the offense charged; (b) the federal Kidnaping Act, 18 U.S.C. §1201, as amended in 2006, represents an unconstitutional exercise by Congress in contravention of the Commerce Clause; and (c) §1201 is unconstitutional as applied to Mr. Chambers in this case because the alleged connection to interstate commerce is too attenuated, incidental, and/or peripheral to support federal jurisdiction.

2. Co-defendant Steven Glisson, through his attorneys, joins this motion. Mr. Chambers also joins in those motions made by his co-defendants that inure to his benefit.

WHEREFORE, it is respectfully requested that the Court grant Mr. Chambers's Motion in its entirety, and dismiss Count Three of the superseding indictment, or, in the alternative, order a hearing on all and each of these issues.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed June 20, 2014.

/S/ Joshua L. Dratel
JOSHUA L. DRATEL